

REMARKS/ARGUMENTS

Claims 1 and 3-22 remain in this application, claims 14-22 being newly added. Claim 2 has been cancelled.

Claim 3 has been placed in independent form and is therefore in full condition for allowance as provisionally indicated in the last Office Action. Claim 4 remains dependent upon claim 3 and set forth further details of the invention not shown or suggested by the art of record. Therefore, both claims 3 and 4 are in full condition for allowance.

Claim 5 has been placed in independent form and is therefore in full condition for allowance as provisionally indicated in the last Office Action. Claim 6 remains dependent upon claim 5 and sets forth further details of the invention not shown or suggested by the art of record. Therefore, claim 6 is allowable along with claim 5.

Claim 7 has been amended to appear in independent form and is therefore in full condition for allowance as provisionally indicated in the last Office Action. Claims 8 and 9 remain dependent upon claim 7 and set forth further details of the invention not shown or suggested by the art of record. Therefore, claims 8 and 9 are also in full condition for allowance.

In view of the foregoing, the claims remaining in issue are claims 1, 10-13, and newly added claims 14-22.

Claim 1 presently stands rejected under 35 U.S.C. §102(b) as being anticipated by Aftreth 3,434,689. This reference discloses an elastomeric gasket strip 15 that is installed between two form panels 6, 7 when the panels are erected at the job site. The gasket 15 is placed between opposing edges of the panels 6, 7, and as bolt 42 is tightened, the ribs 17 and 18 slip into grooves 12 and 13 in the edges of the opposing panels. (Col. 2, lines 65-70) Consequently, the strip 15 becomes connected to and supported by both of the panels 6, 7. Without the support of both of the panels 6, 7, the gasket 15 would not perform its intended function.

On the other hand, in the present invention as specified in amended claim 1, the flexible barrier element is said to be mounted on "and supported solely by the same panel." In the present

invention, the barrier element is a part of the panel long before the form is erected and is not something that merely becomes installed at the job site. Thus, instead of requiring support from both adjacent panels as in Aftreth, the barrier in the present invention draws its support from and comprises a part of one panel.

Aftreth simply does not show or suggest this feature. Accordingly, it is respectfully submitted that claim 1 is in full condition for allowance over Aftreth.

Although not clearly stated in the Office Action, it appears that the examiner is also relying upon Moore, Jr. 6,526,713 in some regard. The examiner states "Moore teaches the similar claimed structures for the concrete form system; these structures would inherent capable performed the same functions such as receive a poured concrete in one face and the flexible barrier element mounted on the structure opposite and spaced from the face for impeding migration when connected to another concrete forming panel since the claim is drawn to one panel."

Applicant respectfully traverses this rejection for the reasons previously stated in earlier responses to office actions. Furthermore, it is without question that the flexible linking members 90 of Moore, Jr. (which the examiner has termed "a flexible barrier element") is simply not "capable of and disposed for impeding migration of the constituents out of the pour past the barrier element until the concrete mix has cured" as required by amended claim 1. Furthermore, the flexible linking member 90 of Moore, Jr. is not "located adjacent to and extending along said outer edge margin" of the face plate as required by claim 1.

In view of the foregoing, it is respectfully submitted that claim 1 is in full condition for allowance. Moreover, claims 10-13 depend directly and indirectly from allowable claim 1 and set forth further details of the invention not shown or suggested by the art of record. Accordingly, claims 10-13 are also in full condition for allowance.

Newly added independent claim 14 is directed to a forming panel assembly including a forming panel and "a brush strip mounted on said panel in such a position that bristles of the brush strip are disposed for impeding migration of the constituents out of the pour when the panel assembly is in use." It is respectfully submitted that none of the references of record show or suggest a

Appl. No. 10/678,378
Amdt. dated 4/1/2005
Reply to Office Action of 11/01/2004

forming panel assembly as specified in claim 14. Accordingly, it is respectfully submitted that new claim 14 is in full condition for allowance, along with claims 15-22 which depend therefrom and set forth further details of the invention not shown or suggested by the art of record.

In view of the foregoing, it is respectfully submitted that all remaining claims in this application are in full condition for allowance. Forwarding of formal notice of such allowance is respectfully requested. Any additional fee which might be due in connection with this application should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

HOVEY WILLIAMS LLP

By 

Stephen D. Timmons, Reg. No. 26,513
2405 Grand Boulevard, Suite 400
Kansas City, Missouri 64108
816/474-9050

ATTORNEYS FOR APPLICANT(S)

(Docket No. 30859-CNT1)